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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/669,581	09/24/2003	Robert W. Stuckel	11677/01402 (DSC-12)	5637

26116 7590 05/17/2005

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EXAMINER

HAMILTON, ISAAC N

ART UNIT PAPER NUMBER

3724

DATE MAILED: 05/17/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/669,581

Applicant(s)

STUCKEL ET AL.

Examiner

Isaac N Hamilton

Art Unit

3724

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 April 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-31 is/are pending in the application.
- 4a) Of the above claim(s) 1-21, 27 and 28 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 22-26 and 29-31 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 03/11/04.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Election/Restrictions

1. Applicant's election without traverse of claims 22-26 and 29-31 in the reply filed on 04/14/2005 is acknowledged.
2. Claims 1-21 and 27-28 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected Invention and Species, there being no allowable generic or linking claim. Election was made **without** traverse in the reply filed on 04/14/2005.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.
4. Claims 24 and 25 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 24 recites the limitation "said first conveyor" in line 3. There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.
6. Claims 22, 30 and 31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Archer (3,650,210) in view of Donahue (5,156,384). Archer discloses supplying a plurality of

Art Unit: 3724

financial cards 10, 16 individually to a cutting station in column 2, lines 16-20; non-conventional configuration 16 shown in figure 1; credit card in column 2, lines 55-60; hole is inherently punched into card 16. Archer does not disclose transporting the cards away to a delivery station, however, Donahue teaches transporting the cards away via conveyor 20 to delivery station 36. It would have been obvious to provide transporting the cards away to a delivery station in Archer as taught by Donahue in order to stack the cards after cutting.

7. Claim 23 is rejected under 35 U.S.C. 103(a) as being unpatentable over the combination of Archer and Donahue as applied to claims 22, 30 and 31 above, and further in view of Kline et al (2,430,720), hereafter Kline. The combination discloses everything as noted above, but does not disclose a first conveyor that has a plurality of spaced nests. However, Kline teaches first conveyor in figure 2 that has a plurality of spaced nests 26. It would have been obvious to provide a first conveyor that has a plurality of spaced nests in the combination as taught by Kline in order to automate the process of supplying cards to the cutting station.

8. Claims 24 and 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over the combination of Archer and Donahue as applied to claims 22, 30 and 31 above, and further in view of Roy et al (5,586,479), hereafter Roy. The combination discloses everything as noted above, but does not disclose a magnetic stripe reader to determine whether the position of the card is proper. However, Roy teaches magnetic stripe reader 58A, 58B to determine whether the position of the card 75 is proper in column 4, lines 30-68.

9. Claim 26 is rejected under 35 U.S.C. 103(a) as being unpatentable over the combination of Archer, Donahue and Kline as applied to claims 22, 30 and 31 above, and further in view of Roy. The combination discloses everything as noted above, but does not disclose properly

Art Unit: 3724

locating the card with a cutting device. However, Roy teaches properly locating the card with a cutting device in column 5, lines 19-42. It would have been obvious to provide a method of properly locating the card with a cutting device in the combination as taught by Roy in order to ensure proper cutting of a skewed card.

10. Claim 29 is rejected under 35 U.S.C. 103(a) as being unpatentable over the combination of Archer and Donahue as applied to claims 22, 30 and 31 above, and further in view of Pentz (D462,965). The combination discloses everything as noted above, but does not disclose a non-conventional configuration of a smaller rectangular shape. However, Pentz teaches non-conventional configuration of a smaller rectangular shape in the figures. It would have been obvious to provide a non-conventional configuration of a smaller rectangular shape in Archer as taught by Pentz in order to allow a user to fit the card into rectangular wallet pockets.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Isaac Hamilton whose telephone number is 571-272-4509. The examiner can normally be reached on Monday through Friday between 8am and 5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Allan N. Shoap can be reached on 571-272-4514. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


IH

April 29, 2005


Allan N. Shoap
Supervisory Patent Examiner
Group 3700